

COUNTY OF SUFFOLK



STEVEN BELLONE
SUFFOLK COUNTY EXECUTIVE

SUFFOLK COUNTY PLANNING COMMISSION SUMMARY OF REGULARLY SCHEDULED MEETING

Jennifer Casey
Chairwoman

Sarah Lansdale, AICP
Director of Planning

Date: January 6, 2021
Time: 2:00 p.m.
Location: Zoom Meeting

Members Present (12)

Samuel Chu – Town of Babylon
Michael Kelly – Town of Brookhaven
Jennifer Casey – Town of Huntington
Matthew Chartrand – Town of Islip
John Condzella – Town of Riverhead
John Finn – Town of Smithtown (joined meeting late)
Thomas McCarthy – Town of Southold
Adrienne Esposito – Villages Over 5,000
Michael Kaufman – Villages Under 5,000
Kevin Gershowitz – At Large (joined meeting late)
Errol Kitt – At Large
Rodney Anderson – At Large

Members Not Present (0)

Staff Present (6)

Sarah Lansdale – Director of Planning
Andrew Freleng – Chief Planner
Theodore Klein – Principal Planner
Christine DeSalvo – Principal Office Assistant
Robert Braun – Assist. County Attorney (Commission Counsel)

Call to Order - The Suffolk County Planning Commission meeting of January 6, 2021 was called to order by Chairwoman Jennifer Casey at 2:05 p.m.

Adoption of Minutes (Verbatim) - Motion to adopt the June 3, 2020 Meeting Minutes was made by Commission member Chu, seconded by Commission member Anderson. Vote Approved: 10 ayes, 0 nays, 0 abstentions.

Public Portion – There were 10 members of the public that spoke to the Commission with the majority speaking about the 'River Rock Structured Capital LLC' application on the Commission agenda.

Guest Speaker – None

Section A14-14 thru A14-25 of the Suffolk County Administrative Code

- **Bactolac Pharmaceutical** – The application is referred by the Town of Brookhaven, received on December 15, 2020 - the Commission's jurisdiction for review is that the application is within the Suffolk County Pine Barrens Compatible Growth Area (CGA). Applicants seek site plan approval from the Brookhaven Town Planning Board on a 11.682 acre wooded property to construct a manufacturing/warehouse building with a gross square footage of 174,150 SF. The proposed building would consist of 149,150 SF of manufacturing/warehouse space on the 1st floor footprint and 25,000 SF mezzanine of office space. Associated site improvements include of landscaping, drainage swales, subsurface drainage structures, onsite parking.

The staff report recommended approval of the site plan application for the construction of the manufacturing/warehouse building offering nine (9) comments for their consideration and use by the Town of Brookhaven Planning Board. After deliberation the Commission resolved to generally agree with the staff report and approve the site plan application with ten (10) comments as a result of Commission member Chartrand's suggestion to add a comment encouraging the use of union labor.

The motion to approve the site plan application and to offer the ten (10) comments for their consideration and use by the Town of Brookhaven Planning Board was made by Commission member Kelly and seconded by Commission member Kaufman, vote to Approve; 12 ayes, 0 nays, 0 abstentions.

- **River Rock Structured Capital LLC** – The application is referred by the Town of Southampton, received on November 20, 2020 - the Commission's jurisdiction for review is that the application is adjacent to a shoreline (Mecox Bay). The applicant has requested of the Town of Southampton Zoning Board of Appeals, multiple area variances for redevelopment of the subject property once containing hurricane damaged structures on the site. Staff described the eleven variance requests in three (3) general categories; 1) construction of a two-story single family dwelling, 2) to legalize the location of a tennis court and 3) the conversion of an existing cottage into a carriage house. The site has been entirely disturbed, as the prior existing structures have been demolished and construction related to the variance requests is well underway.

Staff analysis indicated that the proposed project is an incompatible use along the shoreline, as it is the only property in the immediate area almost entirely within a FEMA designated 100 year flood zone. Staff described what to expect of this flood zone known as the "V" Flood Zone to the Commission. As referral submitted requests permission to intensify the existing residential, with a new larger single family dwelling, in addition the applicant proposes the conversion of the seasonal cottage to a year round carriage house, which the staff considered problematic to the site since there are no best management practice for intensifying a use in a flood zone.

River Rock Structured Capital LLC (continued) – Staff stated that the proposed conversion of the seasonal cottage carriage house constitutes the unwarranted over intensification of the use of the premises and will tend to substantially undermine the effectiveness of the Zoning Ordinance and will tend to establish a precedent for further such land development patterns throughout the coastal shoreline of the Town.

Commission members were informed that, even though development is underway and building permits were issued, the Town of Southampton Zoning Board of Appeals referred the application to the Commission, because the Town has a procedural obligation to meet General Municipal Law and the Suffolk County Administrative Code. Staff referenced the Suffolk County Planning Commission guidelines and checked the Inter-municipal Agreement (IMA) with the Town of Southampton and staff believes that it needs to be Planning Commission reviewed.

The staff report recommended Disapproval of the River Rock Structured Capital LLC variance request for the conversion of an existing cottage into a carriage house as put forth by the applicant and gave three (3) reasons for disapproval.

The Chairwoman introduced Southampton Town Attorney James Burke who informed the Commission on the chronological details of the building permit process of the referred property, as well as why it was most recently referred to the Planning Commission. Mr. Burke stated that an Article 78 was filed regarding the Town of Southampton's Zoning Board of Appeals actions granting prior variances, as well as the new variances required to develop the subject property as proposed and currently under-construction. The Town Attorney James Burke stated that he met with the Town Board over the Article 78 and IMA, and came to the conclusion that it would be prudent to refer all the zoning action requests relating to this property to the Suffolk County Planning Commission for review in accordance with all applicable laws and codes.

Chairwoman Casey, after consulting Commission counsel Robert Braun who gave the opinion that that the Article 78 is not directed at the County or the Commission, stated that she thinks that the current referral should be deemed incomplete as we don't have a copy of the Article 78.

After deliberation the Commission resolved to deem the referral to the Suffolk County Planning Commission Incomplete for the following reason: A copy of the Article 78 Petition with regard to subject property is submitted through the offices of the municipal referring agency.

The motion to deem the application Incomplete for the stated reason that was made by Chairwoman Casey and seconded by Commission member Chu, vote to deem Incomplete; 12 ayes, 0 nays, 0 abstentions.

Other Commission Business

- **2021 Election of Officers/Adoption of Rules of Proceedings**

Chairwoman Casey deferred to the 2021 Nominating Committee Chair, Commission member Kaufman, who stated the Committee has met and anticipated maintaining the current slate of Officers and existing Rules of Proceedings, would be put forth for a vote at the next regularly scheduled Commission meeting in February.

Meeting Adjournment (4:05 p.m.)

The motion to adjourn the meeting was made by Chairwoman Casey, seconded by Commission member Anderson and approved unanimously.